



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156

WASHINGTON, WEDNESDAY, JANUARY 20, 2010

No. 6

Senate

The Senate met at 10 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, our Heavenly Father, thank You for the gift of a new year. We have received great benefits from Your hands and lift to You our grateful praise.

Lord, lead our lawmakers on the road You have chosen. Guide them with Your counsel and teach them with Your precepts. Give them the spirit they ought to have that they may do what they ought to do. Lord, this is the day You have made. We will rejoice and be glad in You, for Your joy is our strength. We pray in Your great name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 20, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will proceed to a period of morning business for 1 hour, with Senators allowed to speak therein for up to 10 minutes each. The time will be equally divided and controlled between the two leaders or their designees.

Following morning business, the Senate will proceed to executive session to consider the nomination of Beverly Baldwin Martin of Georgia to be a U.S. circuit judge for the Eleventh Circuit. Debate on the nomination is limited to 1 hour, equally divided and controlled between Senators LEAHY and SESSIONS or their designees. Upon the use or yielding back of the time, the Senate will proceed to vote on confirmation of that nomination.

The Senate will recess from 12:30 until 2:15 p.m. to allow for our weekly caucus meetings.

We expect to consider H.J. Res. 45, a joint resolution increasing the statutory limit on the public debt, under a previous agreement later today.

MEASURES PLACED ON CALENDAR—H.R. 3961 and H.R. 4154

Mr. REID. Mr. President, it is my understanding there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct. The clerk will read the title of the bills for the second time.

The legislative clerk read as follows:

A bill (H.R. 3961) to amend Title XVIII of the Social Security Act to reform the Medi-

care SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration.

A bill (H.R. 4154) to amend the Internal Revenue Code of 1986 to repeal the new carryover basis rules in order to prevent tax increases and the imposition of compliance burdens on many more estates than would benefit from repeal, to retain the estate tax with a \$3,500,000 exemption, to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration, and for other purposes.

Mr. REID. Mr. President, I object to further proceedings with respect to these two bills.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

MAKING LEGISLATIVE PROGRESS

Mr. REID. Mr. President, visiting with Nevadans, as I have done during these past several weeks, it is impossible not to be motivated to get back to the business of legislating. It is impossible to ignore their grief over growing foreclosures or the uncertainty of unemployment or the frustration of fighting insurance companies for their families' health.

It is just as evident that the people of Nevada and the Nation need us to work toward sensible solutions rather than drown once again in the partisan bickering that consumed much of last year.

Some elections go your way; some elections go the other way. It is the nature of democratic politics in a very diverse Nation. But regardless of an outcome of an election, as I have said many times, the American people demand that we work together as partners, not partisans, to improve their lives. That is as true after Republican victories as it is after Democratic victories.

In the first half of the 111th Congress, even with the minority's minimal help,

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

we made significant progress. While last year's final few months were dominated by a debate over health insurance reform that will save lives, save money, and save Medicare, that historic step was only one of many accomplishments that we are proud to have passed last year.

We began this Congress determined to strengthen and stabilize the economy for working families. That is why we immediately cut taxes for the middle class and small businesses. That is why we immediately started the Lilly Ledbetter legislation to equalize pay for women in America. That is why we started the process of creating good-paying jobs here at home and investing in our future.

Just last week, the White House Council of Economic Advisers found that as many as 2 million Americans have the stimulus to thank for their jobs, as does the growing gross domestic product. But there is more to do, that is for sure.

We protected consumers by cracking down on abusive credit card companies, and we have been trying to do that for a long time. Last year, we were able to get it done, finally—to get under control the abuses credit card companies have been doing to the American people for so long. We cracked down on mortgage fraud scams, the scams that take place when times are tough. We changed the law. We rooted out corporate fraud. But there is more to do.

We started to thaw our frozen credit markets so Americans can get the loans they need to buy a car, send a child to college, or start a new business. But there is more to do.

We are helping responsible homeowners keep their homes, and helped more homeowners to keep the equity in their homes. We helped more families to buy their first home. A lot of people can claim the idea for the first-time home buyer tax credit. The idea came, as far as I know, from JOHNNY ISAKSON of Georgia. It was a tremendously important program that is still going on. We extended that. But even though we have done that, there is more to do.

We helped millions of children stay healthy by expanding CHIP. We extended it by about 14 million children who can go to the doctor when they are sick or to the hospital when they are hurt. We made it easier by far for these kids to get the help and care they need.

We made it harder for tobacco companies to prey on these children. We learned, and we have known for some time, that the tobacco habit starts, most of the time, when you are a teenager. With this legislation we had been trying to pass for decades, we were finally able to get it done—to focus on tobacco companies and why there has to be control placed on them. Even though we have done that, there is more to do.

We extended unemployment insurance for millions and extended COBRA subsidies so those struggling to find work can feed their families, fuel our

economy, and afford decent medical care. But there is more to do.

We supported the travel and tourism industries, which will create tens of thousands of jobs and cut our deficit by hundreds of millions of dollars. Even after having done that, there is more to do.

We helped hundreds of thousands of drivers afford more fuel-efficient cars and trucks. It was such a good idea—cash for clunkers—that now I heard on the news that Japan is going to do it. That will be a boon for American car manufacturers because Japan said those Japanese people who decide to use the Cash for Clunkers Program can buy American cars. Even though we have done that, there is more to do.

With the national service bill named for Senator Kennedy, we made it easier for more Americans to serve their country like our heroes of generations past. With one of the most important conservation bills in many decades, we protected public lands for generations to come. But there is more to do.

We have given our troops, veterans, and their families the support they deserve, including better battlefield equipment, better care for our wounded warriors, and a well-earned pay raise. We also cut waste and fraud in the Pentagon's purchase of military weapons. But there is more to do.

This Congress also made history by pursuing justice and ensuring equality for every single American. With a hate crimes bill that bears Emmett Till's name, we stood up for those who were victims of violence because of their race, ethnicity, or sexual orientation. With the fair pay bill in Lilly Ledbetter's name, we stood up for those who are targets of discrimination in the workplace because of their gender or background.

We passed overdue appropriations bills, new appropriations bills, and an honest, responsible budget that makes sound investments in every part of our country. The Senate confirmed President Obama's outstanding nominee for the Supreme Court, Sonia Sotomayor.

It is a long list of accomplishments, but I assure the Senate that we are just getting started. We have a lot more to do.

In the coming year, we will ensure all Americans can access affordable health care, and we will deny insurance companies the ability to deny health care to the sick, and we will slash our deficit in the process.

We will help more Americans keep their homes and their jobs, and we will continue to help our economy not only recover but prosper once again.

We will continue to create new jobs, including good-paying clean energy jobs that can never be outsourced. You can see throughout the country that happening. A week ago Monday, 2 days ago, I was in a place about 35 miles outside of Las Vegas at the Harry Allen plant that is going to be the most clean natural gas facility for producing electricity in America. About

700 men and women were working on that construction project. At that construction project, there were people walking and running and doing the jobs they needed to do, with trucks moving back and forth.

The reason we were there is because the Western Area Power Administration, WAPA, under the stimulus bill we passed, had the ability to do loans that were very low-interest loans. We were there to announce a public-private partnership between WAPA and others, which will bring electricity from the northern part of the State to the southern part of Nevada for the first time in Nevada's history.

We became a State in 1864. Why is that important? It will allow Nevada to be energy independent in 2½ to 3 years. Just as important, we also will be able to produce far more electricity than Nevada needs because now, with this power line that will create hundreds and hundreds of jobs, we will also have a lot of energy projects for that full 250-mile area. They will be able to do solar, wind, geothermal and bring that onto the power line. That is only the first phase. After that, it has been agreed by WAPA that they can do stage 2, which will bring electricity from the Northwest into Nevada and, of course, California and the whole Southwest. That is a good project and an example of good-paying clean energy jobs that can never be outsourced.

We will tackle our daunting energy and climate challenges, and by doing that we will strengthen our national security, our environment, and our economy.

We need to look no further than Boone Pickens, who talks about this every day of his life. We will have a more secure Nation, and we will lessen our dependence on foreign oil. We will use the resources we have, among which are wind, Sun, geothermal, and now we are the largest holder of natural gas of any country in the world. That is what Boone Pickens is talking about—using our own energy, not continuing importing oil.

As we do all these things, we will continue to leave a seat at the table for our Republican colleagues. Whether their caucus comprises 40 or 41 members, each composes this body of 100. Our individual caucuses—one that will have 59 and one that will have 41—should all be united within the walls of this Chamber and not defined by the aisle that divides the desks.

Today is the first anniversary of the first time our President addressed our Nation as our President. One year ago today, standing on steps just a short distance from here, he reflected that our Nation had chosen “unity of purpose over conflict and discord.” He asked us to put aside the differences and dogmas that paralyze our politics.

We can answer that call this year—not just because President Obama requested it but because the American people justly demand it.

By and large, those in the minority have shown, so far, far too little interest in working with us. More important, they have shown far too little interest in working on the interests of their constituents.

Mr. President, I called my office early this morning and asked my faithful assistant, Janice Shelton, to arrange a call for me to talk to the new, soon-to-be Senator from Massachusetts, SCOTT BROWN. I look forward to visiting with him. I look forward to welcoming him to the Senate and asking him that he work with us. It is certainly a conversation I look forward to.

I hope in this new year we will resolve to leave partisan political motivation behind. I hope we will share and renew the motivation to get to work, to legislate for the good of this country.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SCOTT BROWN VICTORY

Mr. McCONNELL. Mr. President, first, I welcome everyone back after what I hope was a restful time away from Washington. It is good to be here. I can assure everyone that Republicans are energized and eager to pick up where we left off. There is a lot to do, and we are ready.

The news of the day, of course, is that we will soon be welcoming a new Senator into our ranks. It has been a long time—a very long time—since the people of Massachusetts sent a Republican to the Senate. So I congratulate Senator-elect SCOTT BROWN on his decisive victory last night.

I had a chance to speak with him last night. I think it was truly a remarkable turnout and decision on the part of the people of that State.

There is a reason the Nation was focused on this race. The American people have made it abundantly clear they are more interested in shrinking unemployment than expanding government. They are tired of bailouts. They are tired of government spending more than ever at a time when most people are spending less. They do not want the government taking over health care. They made that abundantly clear last night in the Commonwealth of Massachusetts.

This is why Americans are electing good Republican candidates who they hope will reverse a year-long Democratic trend of spending too much, borrowing too much, and taxing too much. The voters have spoken. They want a course correction. We should listen to them.

Today, we will have a chance to show we have gotten the message when we take up legislation that would raise the national debt limit. The reason we are being asked to raise the limit on

the national credit card is clear. It is because the majority has spent the past year spending money we do not have on stimulus bills that do not stimulate the economy, on budgets that double the debt in 5 years and triples it in 10. We need to move in a new direction—a dramatically new direction. That is the message of Virginia. That is the message of New Jersey. That is the message of Massachusetts.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for 1 hour, with the time equally divided and controlled between the two leaders or their designees and with Senators permitted to speak for up to 10 minutes each.

The Senator from Tennessee is recognized.

HEALTH CARE

Mr. ALEXANDER. Mr. President, Massachusetts voters yesterday sent a clear message that the Democratic majority in Congress is not in touch with the American people and that we ought to restart the health care debate.

Senator-elect SCOTT BROWN's independent voice will provide a much needed check and balance to a Congress that has become dominated by more taxes, more spending, and more cash takeovers. Nothing demonstrates that need more than the so-called health care reform bill, a 2,700-page attempt to remodel 17 percent of the American economy that was concocted in secret, presented to the Senate over the weekend before Christmas during the worst snowstorm in years, voted on in the middle of the night, and passed 5 days later, on Christmas Eve, without one single Republican vote.

Now that the people have spoken in Massachusetts, we should abandon these arrogant notions of trying to turn our entire health care system upside down all at once and, instead, set a clear goal of reducing health care costs and then work together, step by step, to re-earn the trust of the American people—an approach Republican Senators urged exactly 173 different times on the floor of the Senate during last year.

If you will examine the CONGRESSIONAL RECORD, you will find that Republican Senators have been proposing a step-by-step approach to confronting our Nation's challenges 173 different times during 2009. On health care, we first suggested setting a clear goal: reducing costs. Then we proposed the first six steps toward achieving that

goal: one, allowing small businesses to pool their resources to purchase health plans; two, reducing junk lawsuits against doctors; three, allowing the purchase of insurance across State lines; four, expanding health savings accounts; five, promoting wellness and prevention; and, six, taking steps to reduce waste, fraud, and abuse.

We offered these 6 proposals in complete legislative text totaling 182 pages. The Democratic majority rejected all six and ridiculed the approach, in part, because our approach was not comprehensive.

A good place to restart the health care debate would be to abandon plans to send a huge bill to States—that is, every State except Nebraska—to pay for Medicaid expansion. The 60 Senators who voted for this so-called health care reform legislation ought to be sentenced to go home and serve as Governor for two terms to try to pay for it because what these Senators would find is that States are broke, and there will either be higher State taxes or higher college tuition or both to pay for what the Democratic Governor of Tennessee has called “the mother of all unfunded mandates.”

That mandate arrogantly expands Medicaid and, to help pay for it, would send a 3-year, \$25 billion bill to Governors who, in turn, will send the bill to State taxpayers and then to college students. That is akin to your big-spending Uncle Sam hiring someone to paint your house and then sending the bill to you, even though you told Uncle Sam you already spent all your available money sending your kid to college. Of course, Uncle Sam does not have to balance its budget and you do.

I speak today not just as a Senator but as a former Governor worried about our States and as a former president of a great public university worried about our college students, many of whom are seeking an education to get a job.

Washington policies are turning our Federal constitutional system upside down. They are transforming autonomous State governments into bankrupt wards of the central government. In doing so, they are making it harder for States to support public higher education; therefore, damaging its quality and damaging the opportunity for Americans to afford it.

Governor Schwarzenegger of California said:

With a \$19 billion deficit, the last thing we need is another \$3 billion bill for Medicaid.

At the University of California, students are paying a 32-percent tuition increase. Why? Because, according to the New York Times, “the University of California now receives only half as much support from the State per student as it did in 1990.”

Why is that? Because when Governors make up their budgets, it usually comes down to a choice between exploding Medicaid costs and higher education, and Medicaid, hopelessly entangled with expensive Washington policies and mandates, usually wins.